

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----)
**ROBERT CRAIG CASSIDY, d/b/a/)
MOUNTAIN TIME AUCTIONS, ANTIQUES,)
and MATTRESSES)**

PLAINTIFF)

vs.)

**ERIC MADOFF, EXECUTIVE DIRECTOR,)
NEW YORK STATE INSURANCE FUND;)
NEW YORK STATE INSURANCE FUND;)
TITIAN DION PERSONALLY AND AS AN)
EMPLOYEE OF NEW YORK STATE)
INSURANCE FUND;)
CLARISSA M. RODRIGUEZ, CHAIR,)
NEW YORK WORKER'S COMPENSATION)
BOARD; NEW YORK WORKER'S)
COMPENSATION BOARD;)
FREIDA FOSTER, ELLEN O. PAPROCKI,)
MARK HIGGINS, LOREN LOBBAN,)
SAMUEL G. WILLIAMS, LINDA HULL,)
FREDRICK M. AUSILI, STEVEN A. CRAIN,)
MARK R. STASKO, PERSONALLY AND AS)
COMMISSIONERS OF THE NEW YORK)
WORKER'S COMPENSATION BOARD;)
J.J. DOE1, J.J. DOE2, J.J. DOE3,)
PERSONALLY AND AS MEMBERS OF)
PENALTY REVIEW UNIT (NEG) NEW YORK)
WORKER'S COMPENSATION BOARD ;)
JEFF MERSMANN, PRESIDENT, PIONEER)
CREDIT RECOVERY, INC., A NAVIANT)
COMPANY, and PIONEER CREDIT)
RECOVERY, INC.)**

----- **DEFENDANTS** -----



**CIVIL CASE NO.:
8:18-cv-
00394 (BKS/DJS)**

**AMENDED
CIVIL RIGHTS
COMPLAINT**

PURSUANT TO

**42 U.S.C. 1983
and
8th & 14th
AMENDMENTS
TO THE
CONSTITUTION
OF THE
UNITED STATES**

PLAINTIFF DEMANDS A TRIAL BY JURY

PLAINTIFF in the above captioned action alleges as follows:

JURISDICTION

1. This is a civil action seeking relief and damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. 1983; The Eighth Amendment to the U.S. Constitution regarding excessive fines and cruel and unusual punishment; and the due process clause of the 14th Amendment. On 5 November 2018 U.S. Northern District Court Judge Brenda K. Sannes granted Plaintiff "... leave to file an amended complaint within thirty (30) days of the date of this order ..."

DIVERSITY JURISDICTION

2. PLAINTIFF Robert Craig Cassidy resides at and has resided at 43 Pleasant Street, City of Rutland, County of Rutland, State of Vermont since January 1976.
3. PLAINTIFF carries a Vermont driver's license, drives a motor vehicle registered in the State of Vermont, has voted in Vermont municipal and state-wide elections for more than 40 years, and has filed Vermont and Federal income tax returns with a Vermont address also for more than 40 years and was honorably discharged from the U.S. Army to Rutland, Vermont in 1973.
4. Defendant Eric Madoff, Executive Director and Chief Executive Officer of the New York State Insurance Fund, and Titian Dion, Agent, 1 Watervliet Avenue Extension,

Albany, New York 12206- 5790 (hereinafter known as NYSIF) is an organ of the New York State Government located in Albany County, New York. Defendant Madoff has earned individual liability By violating criteria 2,3, and 4 of the individual liability paragraph in paragraph six of this complaint.

5. Defendant Clarissa M. Rodriguez, Chair, Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318 (hereinafter known as NYBOARD) is an organ of the New York State government located in Schenectady County, New York.

6. Defendants Freida Foster, Ellen O. Paprocki, Mark Higgans, Loran Lobban, Samuel G. Williams, Linda Hull, Frederick M. Ausili, Steven A. Crain, and Mark R. Stasko are or were Commissioners of the New York Worker' Compensation Board at times pertinent to this complaint. Defendant Commissioners' address is "Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318.

Defendant Commissioners are not a typical board of directors as their duties are spelled out:

The Board administers the programs and laws of New York State in a fair and equitable fashion. The Board receives and processes claims and initially seeks to facilitate expedient agreements between injured workers and employers. When a consensus cannot be reached through administrative measures, it becomes necessary for the Board to conduct hearings before a Workers' Compensation Law Judge(Judge). Evidence and testimony are gathered and analyzed prior to the rendering of a decision by the Judge. While the decisions by Judges are binding, parties may seek administrative review of the Judge's decision to the Administrative Review Division. In such a case, a panel of three Board Commissioners will rule on the validity of the Judge's decision. failing a unanimous decision by the panel, a mandatory full Board review with all thirteen Commissioners may be requested within 30 days of the filing date of the Board panel's decision. In addition, when the decision of the panel is unanimous, a party may seek discretionary full Board review. When a party files a discretionary full Board application, the Board has the option to grant or deny full Board review. The decision of the full Board may be further appealed to the State Appellate Division, Third Department (WCL &23).

The Commissioners administer "...the programs and LAWS of New York State in a fair and equitable fashion...", the Board conducts "hearings," "Evidence and testimony are gathered and analyzed..." "A panel of three Board Commissioners will rule on "THE VALIDITY OF THE JUDGE'S DECISION ..." (EMPHASIS MINE).

Clearly the Commissioners are quasi-judicial in their duties and have expertise in law and evidence. Consider New York State's Article 8 141-A-Civil Enforcement which reads in part:

141-a. Civil enforcement. 1. To investigate violations of sections fifty-two and one hundred thirty-one of this chapter, **the chair or his or her designees** shall have the power to:

- (a) Enter and inspect any place of business at any reasonable time...
 - (b) Examine and copy business records.
 - (c) Administer oaths and affirmations.
 - (d) Issue and serve subpoenas ...
2. **The chair** shall specify by rule the business records ...
3. If a person has refused to obey a subpoena, **the chair** may commence ...
4. (a) Whenever **the chair** determines that an employer who is required to secure compensation in accordance with this chapter has failed to secure such compensation, or where an employer has failed to pay penalties assessed against it pursuant to this chapter, or failed to pay a judgment under section twenty-six of this chapter within ninety days ... such failure shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by **the chair** of a stop-work order... The order shall remain in effect until **the chair** directs that the stop-work order be removed, upon a determination that the employer has come into compliance with the coverage requirements of this chapter and has paid any penalty assessed under this chapter...
6. Any judgment obtained by **the chair** and any penalty due under This section shall, until collected, constitute upon the entire interest of the employer (emphasis mine)

Clearly "**the chair and his or her designees**" control and enforce NYBOARD policies and are not mere spectators on the sidelines. PLAINTIFF urges the Court to read the

Complete WKC Article 8 Section 141-A-Civil enforcement code of New York law.

It is 1:55 A.M. and PLAINTIFF is too tired to see if the lyrics to "Compensation uber alles" are printed in this chapter of the WKC law by these good people, but as a trained historian graduated from one of the finest colleges in the United States, I assure the Court that a funny little guy with a paint brush mustache did not have this kind of power back in 1932 Germany. By 1933/1934 he did have this power and we all see where that took the world. PLAINTIFF does not want to see the state of his birth thus embracing the mantra that "power corrupts, and absolute power corrupts absolutely." Missing from Article 8 (Workers Compensation) Administration 141-A Civil enforcement is any due process protection for the hapless victims of "the chair," as the this PLAINTIFF's case clearly demonstrates. PLAINTIFF urges to Court to hold a hearing on the Constitutionality of the New York Workers' Compensation enforcement laws not just as written but as practiced.

"The chair or his or her designees" have enormous, unchecked power and PLAINTIFF is entitled to call them at trial and win judgment against them if the jury so decides. PLAINTIFF alleges Rodriguez, Foster, Paprocki, Higgins, Lobban, Williams, Hull, Ausili, Crain, and Stasko (hereinafter "WCGROUP") have personal liability for negligent failure to cure the malicious penalty issued to PLAINTIFF June 2 2016; for issuing the grossly insulting, incompetent appeal rejection on October 7 2016 , for maliciously allowing the unconstitutional penalty process to continue on their watch; and, inter alia, not addressing PLAINTIFF's appeal with constitutional due process.

To quote the Court:

Personal involvement can be established by showing that: (1) the defendant(s) participated directly in the alleged constitutional

violation, (2) the defendant(s), after being informed of the violation through a report or appeal, failed to remedy the wrong, (3) the defendant(s) created a policy or custom under which unconstitutional practices occurred, or allowed the continuance of such a policy or custom, (4) the defendant(s) was grossly negligent in supervising subordinates who committed the wrongful acts, or (5) the defendant(s) exhibited deliberate indifference ... by failing to act on information indicating that unconstitutional acts were occurring. In addition to fulfilling one of these requirements, a plaintiff must also establish that the supervisor's actions were the proximate cause of plaintiff's constitutional deprivation.

Defendant WCGROUP violated not one but ALL FIVE personal involvement criteria, and collectively are the issuers of the Draconian penalties charged against PLAINTIFF.

7. On October 7 2016 in the name of Governor Andrew Cuomo, the Workers'

Compensation Board issued a determination on this PLAINTIFF's appeal which reads in part :

"After a review of the submitted material, the Board has determined that you are subject to the coverage requirements of the WCL. However, the Board is unable to consider

your request for re-determination for the following reason:

The employer is currently not in compliance with requirements for Coverage under the Workers(sic) Compensation Law for the above period. **No proof of coverage has been received from your insurance company. Your policy with State Insurance Fund is still under your old Federal ID#.** (Plaintiff's exhibit 18)

The Board goes on to write:

"Please advise your NYS Workers' Compensation carrier, The State Insurance Fund to submit your coverage information Electronically. The carrier should report this policy using your **correct Federal ID# 475233656. (emphasis NYBOARD)**

And, as a parting jab, the Board increased the existing penalty on Plaintiff from \$12,000.00 to \$18,000.00.

Let us take a fast look at how this letter unquestionably issued by the New York Workers' Compensation Board ("the Board has determined" and "the Board is unable")

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complies with the Board's mission statement: "The Board administers the programs and laws of New York State in a fair and equitable fashion."

First, the Board does not tell the truth-- The appeal rejection states

Plaintiff's "... policy with the State Insurance Fund is still under your old Federal ID#."

Plaintiff **HAS NO OLD FEDERAL ID NUMBER**, Board members !!

Second, the Board instructs Plaintiff that "This carrier should report this policy using your **correct** Federal ID# **475233656**." (NYBOARD EMPHASIS IN ORIGINAL) Really ?

Plaintiff has no control over how carrier transmits data, and the "CORRECT" Federal ID# cited by the Board IS NOT PLAINTIFF's !! PLAINTIFF fails to see how any board could be more incompetent. Since June 2 2016 WCBOARD has been actively violating PLAINTIFF's constitutional rights to due process.

So much for the 14th Amendment and Due Process. So much for "... a fair and equitable fashion."

The Burger Court is right on point in Scheuer v. Rhodes, 416 U.S. 232(1974) at 242,243:

If the immunity is qualified (the immune are not court judges, legislators, etc), not absolute, the scope of that immunity will necessarily be related to facts as yet not established either by affidavits, admissions, or a trial record. Final resolution must take into account the functions and responsibilities of these particular defendants in their capacities as officers of the state government, as well as the purposes of 42 U.S.C. 1983. In neither of these inquiries do we write on a clean slate. It can hardly be argued at this late date, that under no circumstances, can officers of state government be subject to liability under this statute. In Monroe v Pape, supra, MR. JUSTICE DOUGLAS, writing for the Court, held that the section in question was meant to give a remedy to parties deprived of constitutional rights, privileges and immunities by an officials abuse of his position. 365 U.S. at 365 U.S. 172. Through the Civil Rights Statutes, Congress intended "to enforce provisions of the Fourteenth Amendment against those who carry a badge of authority of a State and represent it

in some capacity, whether they act in accordance with their authority or misuse it.”

Ms. Rodriguez and her Commissioners, to borrow a phrase from World War Two British Air Chief Marshal Sir Arthur “Bomber” Harris,” have sown the wind and now must reap the whirlwind.

8. Defendant Jeff Mersmann, President, Pioneer Credit Recovery, Inc., a Navient Company, 26 Edward Street, Arcade, New York 14009 (hereinafter known as PIONEER) is located in Wyoming County, New York. On January 8, 2018 PIONEER’s internet web site stated in part “Pioneer employees more than 1,000 professionals in state-of-the-art collection facilities in New York, Florida, and New Jersey.” Vermont is not mentioned.
9. On information and belief, PLAINTIFF believes Diversity Jurisdiction exists.

BACKGROUND

10. There came a time in 2013 when PLAINTIFF joined American Legion Post 224 located at 104 Montcalm Street, Ticonderoga, New York 12883.
11. During the summer of 2015 PLAINTIFF became aware that a very small auction house entitled Mountain Time Furniture and located at 105 Montcalm Street, Ticonderoga, New York was for sale as the owner had been called to become a minister of the Holy Gospel.
12. PLAINTIFF purchased the Mountain Time business for \$85,000.00 from Richard Harker.
13. On August 19 2015 PLAINTIFF and Richard Harker traveled to Elizabethtown, New York where Harker rescinded Mountain Time Furniture’s business certificate and PLAINTIFF filed a new business registration certificate for Mountain Time Auctions,

Antiques, and Mattresses, a personal proprietorship. Richard Harker and family left New York State and moved to the State of Colorado.

14. On September 16 2015 PLAINTIFF mailed back to NYSIF its bill 50661851 which indicated PLAINTIFF's credit balance of \$210.84. PLAINTIFF wrote that "ROBERT CRAIG CASSIDY DBA MOUNTAIN TIME AUCTIONS" was the new owner of the business and building at 105 Montcalm Street and asked NYSIF to update their records and change workman's compensation policy ownership. (SEE EXHIBIT ONE)

15. On October 29 2015 NYSIF employee Mr. Titian Dion replied to PLAINTIFF with a U-3 v4 form requesting eleven separate actions needed to transfer owner's name, business title, and Federal Tax number for Mountain Time Auctions.

(SEE EXHIBITS TWO, THREE, FOUR)

16. On November 3 2015 PLAINTIFF mailed the signed, completed U-3 v4 form to NYSIF.

17. As of November 30 2018 PLAINTIFF has never been notified that the requested changes were ever made. In total PLAINTIFF submitted one name and address change (SEE EXHIBITS EIGHT (2) & (3)), one U-3 v4 form, PLAINTIFF's insurance agent submitted one U-3 v4 Form, Richard Harker submitted one U-3 v4 form, one personal telephone conversation between PLAINTIFF and Mr. Dion took place, and at least three premium payments were made by PLAINTIFF to NYSIF. A claim for employee injury was also processed. (SEE EXHIBIT FIVE). Note that NYSIF employee William J. Farnan addressed this confirmation email to VTCASSIDY@AOL.COM not to Richard Harker.

"VTCASSIDY" is PLAINTIFF Robert Craig Cassidy's AOL internet name.

Richard Harker during a visit to Ticonderoga in July 2016 filed his U-3 v4 (EXHIBIT SIX). PLAINTIFF has never been notified that despite all the paperwork filed, a policy Federal tax number change was ever made by NYSIF.

18. Defendant NYSIF converted to its own use PLAINTIFF's \$210.84 credit account balance(EXHIBIT ONE); a payment of \$246.56 made to insurance broker Darlene Dorsett on December 15 2015 and acknowledged by NYSIF on March 10 2016 bill(EXHIBITS SEVEN and EIGHT); a payment by check 10183 on April 5 2016 in the amount of 300.70(EXHIBITS EIGHT AND NINE); and a payment made on May 28 2016 by check 10178 in the amount of \$220.46(EXHIBITS TEN AND ELEVEN). The \$300.70 payment was accepted for THE RENEWAL OF WORKMAN'S COMPENSATION POLICY A 1351 815-4 for 2016-2017(emphasis mine). The 220.46 payment was an installment on workman's compensation policy A 1351 815-4 for 2016-2017. PLAINTIFF has in hand receipts for all these payments.

While depositing PLAINTIFF's monies and settling claim 68495290, NYSIF maliciously refused to change the federal identification number on workman's compensation policy A 1351 815 4.

19. PLAINTIFF filed a "PAYROLL REPORT" form DP 517 v1 via certified mail 7015 0640 0002 2353 3784 on July 19 2016 and has tracking information to prove its delivery to NYSIF. (SEE EXHIBIT TWELVE)

20. On June 2 2016 NYBOARD issued a \$12,000.00 penalty notice to PLAINTIFF alleging that PLAINTIFF had not carried worker's compensation insurance since September 2015. No hearing was held, no evidence presented, no unbiased referee was

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employed, no written findings of fact were supplied, no due process rights were granted PLAINTIFF. (SEE EXHIBIT THIRTEEN) PLAINTIFF is bitterly amused by the fact that on June 2, 2016, the very day NYBOARD fined PLAINTIFF \$12,000.00 for not having workman's compensation insurance, PLAINTIFF's premium check to NYSIF for May 28 2016 cleared PLAINTIFF's bank account(SEE EXHIBIT ELEVEN).

21. On Plaintiff's appeal (EXHIBITS FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN), NYBOARD informed PLAINTIFF that ONLY the presentation to NYBOARD of a policy with PLAINTIFF's federal tax number on it would mitigate the penalty which had grown to 18,000.00. (EXHIBIT EIGHTEEN)

NYBOARD's reply to PLAINTIFF's appeal was arrogantly non-responsive and ignored facts supplied by PLAINTIFF.

22. Titian Dion of NYSIF for nine months had maliciously denied PLAINTIFF a change of Federal tax number even as his agency took PLAINTIFF's funds and refused PLAINTIFF's attempts to change Harker's Federal account number to PLAINTIFF's Federal number. Dion failed to communicate his reasons for sitting on PLAINTIFF's policy change, terrified PLAINTIFF's insurance agent to the point where she resigned from PLAINTIFF's account, and never sent PLAINTIFF a policy cancellation notice.

23. During the last week of December 2016 PLAINTIFF received a second penalty notice from NYBOARD raising the penalty to \$22,000.00. Again, no hearing was held, no evidence presented, no written findings of fact, and no unbiased referee was employed. PLAINTIFF's gross payroll for the quarter ending December 31, 2016 was less than \$2,000.00. Clearly NYBOARD'S action meant to put PLAINTIFF out of

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business.

22. In PLAINTIFF's mailbox with the NYBOARD penalty notice was a notice from PIONEER claiming a \$ 4,840.00 fee for collecting PLAINTIFF's "delinquent" account.

23. PIONEER's \$4840.00 notice was POSTMARKED THE SAME DAY (emphasis mine)(SEE EXHIBITS NINETEEN AND TWENTY) as NYBOARD's \$22,000.00 penalty notice.

Both NYBOARD'S penalty notice and PIONEER's bill were dated December 21 2016. (EXHIBITS TWENTY-ONE AND TWENTY-TWO) PLAINTIFF was given no chance to contest or pay \$22,000.00 penalty before PIONEER claimed its fee.

24. PIONEER knew of NYBOARD's penalty levy before PLAINTIFF knew, and PLAINTIFF wonders how an amount unknown to PLAINTIFF could possibly be "delinquent" ?? NYS Finance Law 18 paragraph 5 does not call an amount delinquent for 90 days. PIONEER's fee envelope was postmarked approximately 646 miles south of NYBOARD's location in Albany on the same day. PIONEER violated PLAINTIFF's due process rights by maliciously colluding with NYBOARD.

25. As of December 1 2018 no workman's compensation insurance policy cancellation notice from Titian Dion has been received by PLAINTIFF further violating due process rights. Receipt of a cancellation notice would have given PLAINTIFF a date certain to make payment and avoid cancellation, but this was not in the scheme of defendants.

26. Malicious negligence on the part of Titian Dion of NYSIF has caused NYBOARD to charge PLAINTIFF \$22,000.00 in unearned penalties and PIONEER has claimed \$4,840.00 in fees all without hearing, evidence presented, written findings of fact, or the decision of a neutral referee. Titian Dion violated provisions 1, 2, and 3 of "individual

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liability" (see paragraph 6 this complaint) from November 2015 through June 2016.

27. Defendant NYBOARD appears to operate in collusion with NYSIF in the arranging of penalty schemes. In fact a New York State website refers to NYSIF and NYBOARD as "The Players in the System." (SEE EXHIBIT TWENTY-THREE) NYSIF damages responsible firms and individuals and NYBOARD swoops in with its huge penalties levied without due process. PIONEER then colludes with NYBOARD to collect a minimum levy 122% of penalty levied- all without due process.

28. On February 21 2018 Plaintiff received a "Statement" from NYBOARD which reads in part "**The Total Due in Summary Section includes \$22,500.00 net due in judgments obtained in New York State Supreme Court."(SEE EXHIBIT TWENTY-FOUR)

PLAINTIFF has never been summoned to New York State Supreme Court in this matter.

It appears not even the courts of New York State respect due process. No hearing was ever held. Most importantly, PLAINTIFF HAS NEVER BEEN SERVED WITH A COPY OF THE JUDGMENT !

29. Given the immense (and deadly) penalty power apparently wielded by NYBOARD, PLAINTIFF argues that "The Players in the System" must have clean hands, which PLAINTIFF asserts these three cabal members clearly do not. These three defendants must not be allowed to violate the due process requirements of the United States Constitution and the protection of the Eighth Amendment.

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CAUSES OF ACTION ON DEFENDANT NEW YORK STATE INSURANCE FUND

30. NYSIF violated the United States Constitution's procedural due process rights by denying PLAINTIFF an unbiased tribunal; denying notice of proposed action and the grounds asserted for it; denying opportunity to present reasons why the proposed action should not be taken; denying the right to present evidence and call witnesses; denying the right to know opposing evidence; denying the right to cross-examine adverse witnesses; denying the right to a decision based exclusively on evidence presented; denying the opportunity to be represented by counsel; denying the requirement that a tribunal prepare a record of evidence presented; and denying the requirement that a tribunal prepare written findings of fact and reasons for its decision.

31. NYSIF regulations and enabling law are too vague and confusing for an average citizen to understand thus depriving PLAINTIFF and a similar class of persons of the right to due process.

32. Since NYSIF appears to have properly serviced some citizens and granted them rights and benefits not granted Plaintiff, defendant NYSIF has maliciously denied equal protection and due process to PLAINTIFF. PLAINTIFF asserts that NYSIF self-admitted premiums in force amount of \$2,437,552,000 indicates at least one other company has workers' compensation insurance through NYSIF.

CAUSES OF ACTION ON DEFENDANT NEW YORK WORKER'S COMPENSATION BOARD

33. Defendant NYBOARD levied without hearing an initial \$12,000.00 penalty upon

PLAINTIFF without notice or warning thus depriving PLAINTIFF of an unbiased tribunal to hear dispute; of any notice of the proposed action and grounds asserted for it; of any opportunity to present reasons and evidence why proposed action should not be taken; of the right to present evidence and call witnesses; of the right to know opposing evidence; of the right to cross examine adverse witnesses; of a decision based exclusively on evidence presented; of the opportunity to be represented by counsel; of the requirement that a record of evidence presented be prepared; of the requirement that the fact finding tribunal prepare written findings of fact and reasons for its decision.

34. PLAINTIFF is astounded that the NYBOARD can, in arrogance, levy huge penalties at whim without due process or citizen recourse. PLAINTIFF pleads that the District Court halt NYBOARD's levy power until such time as due process reforms can be made.

35. NYBOARD by obtaining "\$22,500.00 net due in judgments" from the New York State Supreme Court (SEE EXHIBIT TWENTY-FIVE) without notice of hearing to PLAINTIFF, denying PLAINTIFF any opportunity to present evidence, hiding opposing evidence from PLAINTIFF, denying PLAINTIFF right to cross examine witnesses, denying PLAINTIFF a record of the proceedings, and failing to provide PLAINTIFF with written findings of fact has made a mockery of due process.

36. NYBOARD's enabling law and regulations are too vague and confusing for an average citizen to understand thus depriving PLAINTIFF and a similar class of persons of their constitutional right to due process.

37. NYBOARD appears to have served some citizens properly or it would not exist.

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NYBOARD has therefore granted rights to some citizens and maliciously denied those rights to PLAINTIFF denying PLAINTIFF equal rights and due process guaranteed by the Constitution of the United States.

**CAUSES OF ACTION ON DEFENDANT NUMBER THREE,
PIONEER RECOVERY SYSTEMS, INC.**

38. Defendant PIONEER violated PLAINTIFF's due process rights by colluding with defendant NYBOARD to deny PLAINTIFF any ability to pay \$22,000.00 penalty assessed by NYBOARD without incurring PIONEER's twenty-two percent collection fee of \$4,840.00.

39. NYBOARD and PIONEER exchanged information on alleged amount PLAINTIFF "owed" days before NYBOARD notified PLAINTIFF of \$22,000.00 penalty .

40. PIONEER by colluding jointly with NYBOARD to defraud is acting under the "color of law" for the purposes of 42 U.S.C. 1983.

41. PIONEER states in its collection notice "Your delinquent fines and fees totaling \$22,000.00 are due in full." PIONEER deserves a chance to tell a jury how \$22,000.00 can be delinquent before PLAINTIFF even receives notice and demand from NYBOARD and how PIONEER is ignoring NYS Finance Law Section 18 paragraph 5.

42. PIONEER's collection letter reads in part "Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume the debt is valid. If you notify this office that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt, and mail you a copy of such verification."

43. PLAINTIFF notified PIONEER on January 23 2017 by certified mail of

(16)

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PLAINTIFF's dispute to the validity of the debt. As of December 1 2018 no reply to PLAINTIFF's request from PIONEER has been received and no "verification" has arrived further denying PLAINTIFF due process.(EXHIBIT TWENTY-SIX).

**CAUSES OF ACTION AGAINST NEW YORK STATE INSURANCE
FUND AND NEW YORK WORKERS' COMPENSATION BOARD
REGARDING VIOLATIONS OF THE EIGHTH AMENDMENT**

44. PLAINTIFF believes that malicious inaction by Titian Dion of NYSIF on PLAINTIFF'S application to transfer Federal Tax numbers on worker's compensation policy allowed NYBOARD to pretend PLAINTIFF had no worker's compensation insurance and to charge PLAINTIFF huge, unearned penalties violating 8th Amendment..

45. NYBOARD charged PLAINTIFF more than \$22,000 (which sum would give PIONEER unearned commission of almost \$5,000) in penalties while NYSIF was depositing PLAINTIFF's premium checks and Titian Dion was maliciously ignoring paperwork PLAINTIFF submitted to NYSIF. PLAINTIFF was current in its premium payments to NYSIF, and yet NYBOARD charged PLAINTIFF a penalty 22 and 1/3 times the annual premium for Workers' Compensation Insurance.

46. The United States Supreme Court addressed excessive fines in UNITED STATES V. BAJAKAJIAN 524 U.S. (1998):

The touchstone of the constitutional inquiry under the Excessive Fines Clause is the principle of PROPORTIONALITY. The amount of the forfeiture must bear some relationship to the gravity of the offense that It is designed to punish. See Austin v. United States, 509 U.S., at 622-623 (noting Court of Appeals' statement that "the government is exacting too High a penalty in relation to the offense committed"); Alexander v.

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United States, 509 U.S. 544(/supct-cgi/ get-us-cite? 509+544,559(1993) ("it is in the light of the extensive criminal activities which petitioner apparently conducted ... that the question whether the forfeiture was "excessive" must be considered). Until today, however, we have not articulated a standard for determining whether a punitive forfeiture is Constitutionally excessive. WE NOW HOLD THAT A PUNITIVE FORFEITURE VIOLATES THE EXCESSIVE FINES CLAUSE IF IT IS GROSSLY DISPROPORTIONATE TO THE GRAVITY OF A DEFENDANT'S OFFENSE. (EMPHASIS MINE)

47. Since the PLAINTIFF owed the State of New York no premium payments, the imposition of almost \$27,000 must be considered **punishment** which action further triggers due process protections including hearing, cross examination, a neutral judge, and written findings. NONE OF THESE PROTECTIONS WERE AWARDED THIS INNOCENT PLAINTIFF.

Let us examine the "gravity" of PLAINTIFF's "offense." On September 16 2015 PLAINTIFF received a statement dated September 10 2015 from NYSIF noting a credit balance \$210.84. PLAINTIFF mailed a copy of the statement back to NYSIF on September 16, 2015 noting a change of ownership and firm name. PLAINTIFF waited a whole six days to reply to NYSIF, obviously trying to evade responsibility. NYSIF employee Titian Dion on October 29 2015 replied to PLAINTIFF forty-three days later, obviously a well disciplined state employee replying in a timely fashion.

48. On November 3 2015 PLAINTIFF returned to NYSIF the completed form Mr. Dion had sent thus again proving PLAINTIFF's unreliability by waiting a whole five days.

49. Plaintiff's Workers' Compensation annual premium for 2017-2018 was \$1,202.80 (exhibit eight) and PLAINTIFF had paid two premium payments and was current in account before NYBOARD issued the first \$12,000 penalty in this action.

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As stated elsewhere in this complaint, Plaintiff's check 10178 for \$220.46 was paid by Plaintiff's bank on 2 June 2018, the exact date NYBOARD charged Plaintiff a \$12,000.00 penalty for not carrying Workers' Compensation insurance. Only in New York.... Regarding Excessive fines violating 8th Amendment protections, in *Browning-Ferris Industries v. Kelco Disposal* (1989) 492 U.S. 257 (1989) the Supreme Court held

The language of the Excessive Fines Clause and the nature of our Constitutional framework make it clear that the Eighth Amendment places limits on the steps a government may take against an individual (par. 1(c))

The District Court instructed the jury that it could award punitive damages on the state-law claims if it found by clear and convincing evidence that BFI's conduct "revealed actual malice, outrageous conduct, or constituted willful or reckless disregard of plaintiff's rights" *Id.*, at 81. It also told the jury that in determining the amount of punitive damages it could take into account the character of the defendants, their financial standing, and the nature of their acts (492 US 257,262)

We think it clear, from both the language of the Excessive Fines Clause and the nature of our constitutional framework, that the Eighth Amendment places limits on the steps a government may take against an individual, whether it be keeping him in prison, IMPOSING EXCESSIVE MONETARY SANCTIONS, or using cruel and unusual Punishments (EMPHASIS MINE) (492 US 257, 276)

The character of a sanction imposed as punishment "is not changed by The mode in which it is inflicted, whether BY A CIVIL ACTION or a Criminal prosecution." *United States v. Chouteau*, 102 U.S. 603,611 (1881). As the Court wrote only recently, "a civil action that cannot fairly be said solely to serve a remedial purpose but rather can be explained only as also serving retributive or deterrent purposes, IS PUNISHMENT." (EMPHASIS MINE) *United States v. Halper*, 490 U.S. 435,448 (1989) quoted in *BFI v. Kelco* (492 U.S. 257,299

PLAINTIFF requests the Court take judicial notice that *Timbs v. Indiana* (a case pending before the Supreme Court that settles whether the Excessive Fines Clause applies to State and local governments under the due process Clause of the Fourteenth Amendment)

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had oral arguments before the Supreme Court 28 November 2018 and settled law on this matter will reach the districts by June 2019. PLAINTIFF asks the Court to imagine the time is now December 8 1953 not December 4 2018 and *Oliver Brown et. al. v. Board of Education of Topeka et. al.* (347 U.S. 483 (1954)) has just been re-argued. Would the Northern District accept *Plessy v. Ferguson* 163 U.S. 547 (1896) as settled law or would the Court realize that, as singer Bob Dylan wrote, "The Times They Are A Changin' ??". The period where brazen state agencies can helter skelter levy immense penalties onto hapless citizens without due process protections and without fear of sanction is over. *Browning-Ferris v. Kelco* also makes it clear that in the 2nd Circuit Federal juries may adjudicate claims against the state if "all other claims that are so related ...that they form part of the same case or controversy(1367(a)). The true test being that the new claim "arises from the same set of operative facts." This means that a Federal court hearing a Federal claim can also hear substantially related state law claims, thereby encouraging efficiency by having only one trial at the Federal level rather than one trial in Federal court and another in state court. Paragraph "G" of the Court's order of November 5 2018 would seem to suggest reverse removal of allowable damage claims to New York State Court, to which action PLAINTIFF strongly objects .

50. NYBOARD committed a second violation of 18 USC 1951 (b) (2) in December 2016 when it increased its penalty demand to \$22,000 which, after receiving said amount, NYBOARD would then kindly allow PLAINTIFF to remain in business.

51. NYBOARD thrice violated 18 US CODE 1341 by placing in the US Mail three penalty extortion notices, first for \$12,000, next for \$18,000, and later for \$22,000.

52. Defendant PIONEER violated 18 US CODE 1341 by placing in the US Mail a letter

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demanding \$4840 from PLAINTIFF which money was not owed due to malicious interference of co-conspirator NYSIF in the simple transfer of PLAINTIFF's workman's compensation policy Federal tax number. Further, PIONEER colluded with co-conspirator NYBOARD to obtain alleged debt information about PLAINTIFF from NYBOARD before PLAINTIFF was aware of such information.

52. PIONEER in its collection letter of December 21 2016 claimed "Your delinquent fines and fees totaling \$22,000.00 are due in full." Later in the collection letter PIONEER writes "1) a 22% debt collection fee on the unpaid balance forwarded by the Board to Commercial Collection Agencies under New York State Finance Law Section 18.

New York State Finance Law Section 18 in the applicable part reads:

5. In addition to the charges referred to in subdivision four of this section, and unless provided by contract, statute or regulation, A debtor that fails to make payment of a debt subject to this section within ninety days of receipt by the debtor of the first billing invoice or notice may be assessed an additional collection fee charge to cover the cost of processing, handling, and collecting such debt, not to exceed twenty-two percent

PIONEER allowed PLAINTIFF not 90 days but zero days to make payment before being, in PIONEER's words, "delinquent," entitling PIONEER to an unearned penalty of \$4840. PIONEER appears to have violated section 18 paragraph 5 of the New York Finance Law by not granting PLAINTIFF 90 days to make payment. PIONEER also thus violated 15 USC 1692e Paragraph 807 "the following conduct is a violation of this section" (2) (A) The false representation of ---- the character, amount, or legal status of any debt;

53. Mersmann may well have authorized this policy at a board of director's meeting and

(21)

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thus be liable for violating both New York and Federal law. Mersmann should not be dismissed until and if discovery reveals his innocence.

54. There came a time in October 2015 when a PLAINTIFF employee was injured in a fall and PLAINTIFF submitted a workman's compensation claim to pay for X-rays. Defendant NYSIF in March 2016 under Loss Record Number 68495290 created Transaction Number NP20991345C162PBD to pay the claim under Harker's, the previous owner's, Federal tax number thereby committing wire fraud under 18 USC 1343 as NYSIF used the internet to process the claim. The transaction was knowingly fraudulent as since 18 September 2015 NYSIF was aware that PLAINTIFF was the only company in existence at 105 Montcalm Street in Ticonderoga, the previous owner Harker having turned in his business license in Elizabethtown New York on 19 August 2015 and moved to the State of Colorado.. In addition, the injured employee was on the PLAINTIFF's payroll as documented and could not have been working for Harker's no-longer existing company in October 2015.

Motive? To pay claim under PLAINTIFF's Federal tax number would acknowledge PLAINTIFF's workman's compensation policy existence and would have negatively impacted the scheme of NYSIF and NYBOARD to claim PLAINTIFF had no workman's compensation insurance since September 2015.

53. In violation of 18 USC 1962 (a), Defendants NYSIF and NYBOARD have converted to their own use the initial credit balance on PLAINTIFF's NYSIF account and the monies PLAINTIFF paid for premiums, all the while maliciously denying PLAINTIFF a change in workman's compensation policy Federal tax number and further

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maliciously denying existence of Workman's Compensation Policy coverage of PLAINTIFF.

54. NYBOARD has fraudulently charged huge, business killing and life altering penalties to a compliant business which action has caused PLAINTIFF severe physical and emotional distress.

55. On March 4 2017 Plaintiff was a vendor at a toy show at the Polish Community Center on Washington Avenue Extension in Albany, New York. Fearing seizure of his vehicle and inventory by agents of NYBOARD or Sheriff deputies to satisfy NYBOARD's \$22,000 alleged penalty, distracted PLAINTIFF did not notice that the rear door of his box truck had only half opened due to the cold weather. Running up the truck's ramp, Plaintiff struck his head on the half-closed door, and, stunned, took an uncontrolled three foot fall into the frozen parking lot. Toy show officials cleaned the bloody face of PLAINTIFF and, on March 6 2017 PLAINTIFF was treated for concussion at Rutland (Vermont) Regional Medical Center. (exhibit 26)

56. Having received no relief from the December 2016 NYBOARD \$22,000.00 penalty decision, PLAINTIFF laid off his employee as it was unlawful to have employees without Workman's Compensation Insurance. PLAINTIFF attempted to run his business as a sole proprietor, but, after eleven months, PLAINTIFF's seventy-five year old body could not carry the workload (and the 70 pound mattresses) any longer.

57. On December 4 2017 PLAINTIFF's cardiologist informed PLAINTIFF that heart damage had occurred. Working alone forty to sixty hours per week would no longer be possible.

58. PLAINTIFF's credit score declined from the low 700's in 2015 to the mid 500's in

8:18-cv-00394 (BKS/DJS) 12-4-2018

2017 ending PLAINTIFF's ability to borrow at acceptable rates.

59. PLAINTIFF has been married for more than forty years to the same woman but that relationship barely survives on a day-to-day basis because of what she refers to as the "swamp" in Ticonderoga, meaning the debilitating effects the Workers' Compensation Board actions have had on PLAINTIFF.

60. It has been thirty-six months, THIRTY-SIX MONTHS, since this action began with Titian Dion's damaging of PLAINTIFF. In all those months, PLAINTIFF has NOT SLEPT EIGHT CONTIGUOUS HOURS IN ONE NIGHT ONCE, NOT ONCE. The troubling effect of this action preys upon PLAINTIFF's mind nightly, and I WILL CREATE A RECORD of what actions have transpired and how they came about.

61. NYBOARD and its cabal have injured PLAINTIFF both physically and emotionally to the point that PLAINTIFF cannot continue in business. Given the newly published life expectancy of 78.1 years, Defendants have damaged half PLAINTIFF's life expectancy from him by their malicious actions. PLAINTIFF seeks relief from conspirators' abuse and compensation for defendants' malicious actions.

8:18-cv-00394 (BKS/DJS) 12-4-2018

Relief sought

62. PLAINTIFF asks the District Court to forthwith order the defendants individually and collectively to halt any and all collection actions against PLAINTIFF until such time as a full, evidentiary hearing can be held on this complaint.

60. PLAINTIFF asks District Court to find the penalties brought against PLAINTIFF by defendants were obtained by malicious indifference to due process clause of the 14th amendment and violative of the excessive fines clause of the eighth amendment and are null and void, or in the alternative to award judgment against defendants of an additional \$28,000.00.

61. To compensate PLAINTIFF for the loss of peaceful enjoyment of his business and personal life, his business investment, combined with continuing injuries to his physical and emotional health, PLAINTIFF seeks personal damages of \$75,000.00 from each defendant person and \$75,000 from Defendant PIONEER totaling \$1,050,000.00 in the aggregate. No dollar damages are sought from NYBOARD as a NYS corporation or NYSIF as a NYS corporation.

62. "New York was the only state that asked Congress to add 'due process' language to the U.S. Constitution." New York proposed the following amendment in 1788:

" No Person ought to be taken imprisoned or diseased of his freehold, or be exiled or deprived of his Privileges, Franchises, Life, Liberty, or Property but by due process of Law."

Plaintiff earnestly pleads that the District Court will remind the State of New York of its historical roots.

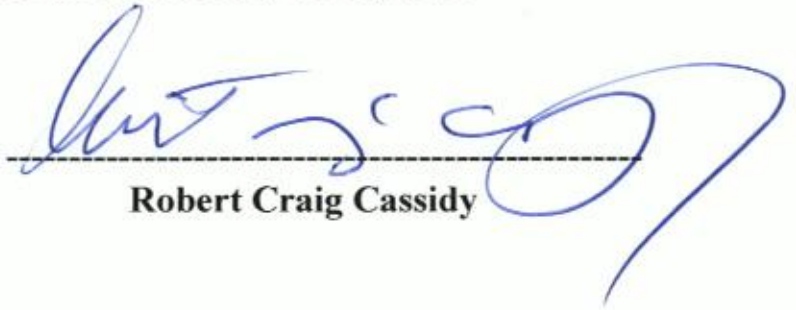
(25)

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**Under the pains of perjury, Plaintiff swears that facts submitted in this
Complaint are, to the best of his information and belief, true.**

12-4-2018

DATE


Robert Craig Cassidy

PLAINTIFF'S EXHIBIT NO.

ONE

CASE NO.:

8:18-cv-00394 (BKS/DJS)

IDENTIFICATION:

NYSIF Bill

ADMITTED:

5061851

New York State Insurance Fund

MAILED BACK 9-16-2015**WORKERS' COMPENSATION**

1 WATERVLIET AVE EXT., ALBANY, NY, 12206-1649

Any questions, Call 1-888-875-5790

A 1351 815-4

107334

RICHARD D HARKER DBA
MOUNTAIN TIME FURNITURE
105 MONTCALM STREET # 1B
TICONDEROGA NY 12883-1354

ROBERT CRAIG CASSIOY DBA
Auctions

E STOCKTON MARTIN AGENCY INC
84 MONTCALM ST
TICONDEROGA NY 12883

Policy Number
A 1351 815-4

Group Number
90

Bill Number
50661851

Bill Date
09/10/2015

Minimum Amount Due
\$0.00

Previous Balance
\$356.65CR

Payments Received
\$0.00

Other Credits
\$0.00

New Charges
\$145.81

Other Debits
\$0.00

Current Balance
\$210.84CR

Workers' Compensation Activity Period - 08/11/2015 to 09/10/2015

Transaction Date	Reference #	Payment/Credit Status	Charges	Credits
August 10, 2015		Previous Balance		\$356.65-
New Charges				
September 10, 2015	P355640	Installment 6 of 9 (04/10/2015)	\$145.81	
		Account Balance		\$210.84-

>>>Your current Total Account Balance is \$437.40. Payment of this amount is required to avoid service charges and/or future interest charges. See reverse side (Page 2) for details.

27
()



New York State Insurance Fund

[0001-000013518154][##A]

RICHARD D HARKER DBA
MOUNTAIN TIME FURNITURE
105 MONTCALM STREET # 1B
TICONDEROGA NY 12883-1354

PLAINTIFF'S EXHIBIT NO. TWO
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: TITIAN DION LETTER
ADMITTED: _____

Date: 10/29/2015

WC Policy: 1351815 - 4

Re: ROBERT CRAIG CASSIDY DBA

Dear Sir/Madam:

We are advised that you are now operating under the name that is listed above. In order that you may be properly protected under the policy, it is essential that you fill out the enclosed **Transfer of Interest forms**. Please return one copy and retain the other for your own records.

For information we desire, please refer to the corresponding items numbered on the left hand margin of the enclosed forms.

1. Give the exact date on which the business was transferred.
2. Print the name of the new firm, **INCLUDING THE FEDERAL ID NUMBER**.
3. Give business address of the new firm.
4. Indicate appropriate form of ownership of new firm.
5. One member of the old firm transferring the interest must sign.
Give member's title. If a corporation, the seal of the old firm must be affixed at space provided.
- 6a. Print the name of the new firm.
- 6b. If new firm is an **INDIVIDUAL** - Owner must sign.
If new firm is a form of **PARTNERSHIP** or **LIMITED LIABILITY COMPANY**, one member must sign.
If new firm is a **CORPORATION** - An executive officer must sign. Give officer's title. **CORPORATE SEAL** must be affixed at the space provided. Executive officers must be covered pursuant to the mandatory provisions of the Workers' Compensation Law.
7. Indicate the nature of business, product sold, and materials used.
8. Indicate location of the entity.
9. Indicate the total number of employees.
10. Indicate the anticipated annual payroll.
11. List the full names, addresses, duties, and salaries of all principals of the new firm accepting the interest.

Upon receipt of this form properly completed, we will issue an endorsement effecting the transfer of the policy, unless the conditions are such that the interest cannot be transferred.

Very truly yours,

Titian Dion

Phone (518) 437-6497

Fax: (518) 437-8910

Email: tdion@nysif.com

cc: E STOCKTON MARTIN AGENCY INC

18



NYSIF**New York State Insurance Fund****ASSIGNMENT OF INTEREST AGREEMENT**

WC Policy: 1351815 - 4

- (1). It is understood and agreed that, effective 12:01 A.M. 19 August 2015
(DATE OF CHANGE OF INTEREST)

subject to all the agreements, conditions and limitations as hereunder expressed, the above captioned policy is hereby

- (2). assigned to ROBERT CRAIG CASSIDY D/B/A MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATRESSES F.E.I.N. 47-5236656
(NAME OF NEW FIRM - ASSIGNEE)
- (3). whose business address is 105 MONTCALM ST, TICONDEROGA NY 12883
(NUMBER) (STREET) (CITY OR TOWN) (STATE) (ZIP CODE)

- (4). The new form of ownership is indicated by an X:

☒ Individual ☐ Copartnership ☐ Corporation ☐ Receiver ☐ Trustee ☐ Estate ☐ Other

For the purpose of serving notice, as provided in the Workers' Compensation Law, this insured employer agrees that written notice sent to the above address shall constitute valid notice.

It is understood and agreed that if the new insured employer is a corporation (other than a religious, charitable, educa-

PLAINTIFF'S EXHIBIT NO. THREE

CASE NO.: 8:18-cv-00394 (BKS/DJS)

IDENTIFICATION: U-3 V4 FORM(1)

ADMITTED: _____

of any war of the United States) premium will be charged for five, in accordance with the rules of the Manual of Workers' Compensation, by one or two executive officer(s) who also own(s) 100% of the corporation. This agreement warrants that he (it or they) is (are) in lawful possession of the interest of the insured therein named and said interest was duly issued thereunder and assume all obligations therein including liability and responsibility for the payment of any refund which may become due on account of this policy up to

Nothing herein contained shall be held to waive, alter, vary or extend any of the stipulations, agreements or limitations of this policy except as herein stated.

The State Insurance Fund shall not be bound by the assignment of interest agreement as herein set forth, unless it consents thereto in writing, such consent to be evidenced by an endorsement which shall be attached to and form part of

RICHARD D. HARKA D/B/A

WC Policy: 1351815 - 4

Issued to: MOUNTAIN TIME FURNITURE
(NAME OF FIRM TRANSFERRING INTEREST)

- (5). OLD FIRM SIGN HERE: Barbara J. Norton General Manager
(A MEMBER OF OLD FIRM MUST SIGN PERSONALLY) - TITLE

- (6a). NEW FIRM PRINT HERE: ROBERT CRAIG CASSIDY D/B/A MOUNTAIN TIME AUCTIONS, ANTIQUES AND MATRESSES
(PRINT NAME OF FIRM ACCEPTING INTEREST)

- (6b). SIGN HERE: [Signature] President
(A MEMBER OF THE NEW FIRM MUST SIGN PERSONALLY) - TITLE
List below the full names of all members of the new firm accepting interest.

CORPORATE
SEAL
OF ENTITY
TRANSFERRING
INTEREST

29

CORPORATE
SEAL OF
ENTITY
ACCEPTING
INTEREST



New York State Insurance Fund

INFORMATION REGARDING THE ENTITY FOR WHICH YOU HAVE REQUESTED COVERAGE

Policy Number: 1351815 - 4

Entity Name: MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES

(7). Nature of Business of this Entity

RETAIL SALE OF MATTRESSES AND HOUSEHOLD AUCTION HOUSE

(8). Location of this Entity 105 MONTCAHN ST., TICONDEROGA, N.Y. 12883

(9). Number of Employees 2 (10). Annual Payroll 9,000.00

(11). Name of Executive Officer/Partner or Member/Sole Proprietor Duties

ROBERT CRAIG CASSIDY

Home Address

43 PLEASANT ST.
RUTLAND, VT 05701

Salary \$

Name of Executive Officer/Partner or Member

Duties

Home Address

Salary \$

PLAINTIFF'S EXHIBIT NO. Four

CASE NO.: 8:18-CV-00394 (BKS/DJS)

IDENTIFICATION: U-3 V4 FORM (2)

ADMITTED:

Duties

Salary \$

Duties

Home Address

Salary \$

Name of Executive Officer / Partner or Member

Duties

Home Address

Salary \$

I hereby certify that the information given above is completed and accurate in every detail.

Signature of Executive Officer/Partner or Member/Sole Proprietor

Date

11-3-2015

(30)

Subj: **WORKERS COMPENSATION REPORTING**
Date: 3/11/2016 11:26:30 A.M. Eastern Standard Time
From: wfarnan@nysif.com
To: VTCASSIDY@AOL.COM
CC: kleffler@nysif.com, tcowles@nysif.com

Good morning,

Per our conversation, please use this link:

<https://www.nysif.com/efroi/reportaninjuryentry.aspx> to file the
Employers' Report of Injury for the incident involving WILLIAM C. NORTON's
accident of 10/28/2015.

The Loss ID# for this case is 68495290. You will be asked to enter it when
you begin to file the report.

The policy number to use is 13518154

If you have any questions, please feel free to call me directly.

William J. Farnan

CuSR II

First Report of Injury - eFROI

Albany Business Office

New York State Insurance Fund

Telephone: (518)437-8050

Fax : (518) 437-8043

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PLAINTIFF'S EXHIBIT NO. FIVE
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: W/C INJURY CLAIM
ADMITTED: _____

(31)

NYSIFNew York State Insurance Fund**ASSIGNMENT OF INTEREST AGREEMENT**

WC Policy: 1351815 - 4

- (1). It is understood and agreed that, effective 12:01 A.M.

08/28/2015
(DATE OF CHANGE OF INTEREST)

subject to all the agreements, conditions and limitations as hereunder expressed, the above captioned policy is hereby

- (2). assigned to
- ROBERT CRAIG CASSIDY
- F.E.I.N.
- 47-5236656
-
- (NAME OF NEW FIRM - ASSIGNEE)

- (3). whose business address is
- 105 MONTCAHLMST
- TICONDEROGA, NY
- 12883
-
- (NUMBER) (STREET) (CITY OR TOWN) (STATE) (ZIP CODE)

- (4). The new form of ownership is indicated by an X:

☒ Individual ☐ Copartnership ☐ Corporation ☐ Receiver ☐ Trustee ☐ Estate ☐ Other

For the purpose of serving notice, as provided in the Workers' Compensation Law, this insured employer agrees that written notice sent to the above address shall constitute valid notice.

It is understood and agreed that if the new insured employer is a corporation (other than a religious, charitable, educational or municipal corporation or post or chapter of veterans of any war of the United States) premium will be charged for coverage of all executive officers, whether active or inactive, in accordance with the rules of the Manual of Workers' Compensation Insurance. However, if the corporation has only one or two executive officer(s) who also own(s) 100% of the stock and there are no inactive executive officers, the corporation may elect to delete coverage for such executive officer(s).

The assignee named herein, upon the acceptance of this agreement, warrants that he (it or they) is (are) in lawful possession of the policy and is legally entitled to an assignment of the interest of the insured therein named and said assignee agrees to accept such policy and all endorsements duly issued thereunder and assume all obligations therein expressed from the effective date hereinabove mentioned, including liability and responsibility for the payment of any premiums or additional premiums and/or be entitled to any refund which may become due on account of this policy up to the effective date of this assignment of interest agreement.

Nothing herein contained shall be held to waive, alter, vary or extend any of the stipulations, agreements or limitations of this policy except as herein stated.

The State Insurance Fund shall not be bound by the assignment of interest agreement as herein set forth, unless it consents thereto in writing, such consent to be evidenced by an endorsement which shall be attached to and form part of

WC Policy: 1351815 - 4

Issued to: MOUNTAIN TIME FURNITURE
(NAME OF FIRM TRANSFERRING INTEREST)

- (5). OLD FIRM SIGN HERE:

[Signature] (DBA)
(A MEMBER OF OLD FIRM MUST SIGN PERSONALLY) - TITLE

- (6a). NEW FIRM PRINT HERE:
- MOUNTAIN TIME AUCTIONS ANTIQUES & MATRASSES
-
- (PRINT NAME OF FIRM ACCEPTING INTEREST)

- (6b). SIGN HERE:

[Signature] PROPRIETOR
(A MEMBER OF THE NEW FIRM MUST SIGN PERSONALLY) - TITLE
List below the full names of all members of the new firm accepting interest.CORPORATE
SEALCORPORATE
SEAL OF
ENTITY
ACCEPTING
INTEREST

PLAINTIFF'S EXHIBIT NO.

SIX

(32)

CASE NO.: 8:18-cv-00394 (BKS/DJS)IDENTIFICATION: HARKER U-3 V4

000244432

PLAINTIFF'S EXHIBIT NO. SEVEN
CASE NO.: 8:18-CV-00394 (BKS/DJS)
IDENTIFICATION: PAYMENT 246.56
ADMITTED: _____



New York State Insurance Fund

WORKERS' COMPENSATION

1 WATERVLIET AVE EXT., ALBANY, NY, 12206-1649

Any questions, Call 1-888-875-5790

A 1351 815-4

107334

RICHARD D HARKER DBA
MOUNTAIN TIME FURNITURE
105 MONTCALM STREET
TICONDEROGA NY 12883-1354

Auctions

E STOCKTON MARTIN AGENCY INC
84 MONTCALM ST
TICONDEROGA NY 12883

Pd 12/15/15
20

Policy Number
A 1351 815-4

Group Number
90

Bill Number
51086620

Bill Date
12/10/2015

Minimum Amount Due
\$246.56
By 01/09/2016

Previous Balance
\$90.78

Payments Received
\$0.00

Other Credits
\$0.00

New Charges
\$155.78

Other Debits
\$0.00

Current Balance
\$246.56

Workers' Compensation Activity Period - 11/11/2015 to 12/10/2015

Transaction Date	Reference #	Payment/Credit Status	Charges	Credits
November 10, 2015		Previous Balance	\$90.78	
Payment of past due amount of \$90.78 must be received by 12/24/2015 to avoid cancellation.				
New Charges				
December 10, 2015	P597813	Installment 9 of 9 (04/10/2015)	\$145.78	
December 10, 2015	4139955	Service Charge	\$10.00	
>>>Your current Total Account Balance is \$246.56. Payment of this amount is required to avoid service charges and/or future interest charges. See reverse side (Page 2) for details.				

ROBERT CRAIG Cassidy

(33)

518585-6795
(11AM-3PM)

PLAINTIFF'S EXHIBIT NO. EIGHT
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: PAYMENT 300.70
RECEIPT 246.56
ADMITTED: _____



New York State Insurance Fund

WORKERS' COMPENSATION

1 WATERVLIET AVE EXT., ALBANY, NY, 12206-1649

Any questions, Call 1-888-875-5790

A 1351 815-4 [14333-01][WCBILLS#-MBIL1#][01-00292]

107334

RICHARD D HARKER DBA
MOUNTAIN TIME FURNITURE
105 MONTCALM STREET # 1B
TICONDEROGA NY 12883-1354

E STOCKTON MARTIN AGENCY INC
84 MONTCALM ST
TICONDEROGA NY 12883

Policy Number	Group Number	Bill Number	Bill Date	Minimum Amount Due
A 1351 815-4	90	51491655	03/10/2016	\$300.70 By 04/09/2016

Previous Balance	Payments Received	Other Credits	New Charges	Other Debits	Current Balance
\$246.56	\$246.56CR	\$0.00	\$300.70	\$0.00	\$300.70

Workers' Compensation Activity Period - 12/11/2015 to 03/10/2016

Transaction Date	Reference #	Payment/Credit Status	Charges	Credits
December 10, 2015		Previous Balance	\$246.56	
December 22, 2015	005238	Payment Received - Thank You		\$246.56-
New Charges				
February 22, 2016	E211910	Renewal Pol. 25% Down Payment (04/10/2016 to 04/10/2017)	\$300.70	
>>>Your current Total Account Balance is \$1,202.80. Payment of this amount is required to avoid service charges and/or future interest charges. See reverse side (Page 2) for details.				

CHECK # 10163

300.70

4-5-2016

34

PLAINTIFF'S EXHIBIT NO. EIGHT (2)

CASE NO.: 8:18-cv-00394 (BKS/DJS)

IDENTIFICATION: 4-5-2016 ADDRESS CHANGE

ADMITTED:

To ensure proper credit, please mail payment & remittance slip 7 days prior to the due date to the address below.
Include policy number on your check.

REMITTANCE SLIP

4-5-2016

Policy No.	A 1351 815-4
Current Balance:	\$300.70
Minimum Amount Due:	\$300.70
Date Due:	04/09/2016
Payment Enclosed:	

Insured:

 RICHARD D HARKER DBA
 MOUNTAIN TIME FURNITURE
 105 MONTICLIM STREET # 18
 TICONDEROGA NY 12883-1354

☒ CHECK BOX FOR CHANGE OR CORRECTION OF NAME OR ADDRESS
 ENTER CHANGE ON REVERSE SIDE

 Pay your bill at nysif.com or call 1-877-309-6028
 eCHECK - no service fee
 Credit card - 2.5% convenience fee by Official Payments

Return to:

 NYSIF Workers' Compensation
 PO Box 5238
 New York, NY 10008-5238

1351815403201651491655000000300700000000300704

PLAINTIFF'S EXHIBIT NO. E1G45 (3)
CASE NO.: 8:18-cv-00394(BKS/DJS)
IDENTIFICATION: 4-5-2016 ADDRESS CHANGE
ADMITTED:

IF YOU HAVE CHECKED THE BOX ON THE REVERSE SIDE, PLEASE ENTER NEW INFORMATION BELOW.

ROBERT CRAIG- CASSIDY DBA

MOUNTAIN TIME AUCTIONS

105 MONTCALM ST.

TICONDEROGA, N.Y. 12883-1354

Glens Falls National

Bank and Trust Company

Member FDIC

250 Glen Street • Glens Falls, NY 12801
(518) 793-4121 • gfnational.com

2551

Page: 5 of 5
Account: 11012922
Date: 04/27/2016

2168

MOUNTAIN TIME AUCTIONS, ANTIQUES,
AND MATTRESSES
518 555-4795
105 MONTICLOM STREET
TICHOCHROGA, NY 12880

4-5 to 16

Pay To
The Order Of: SYMBOL MATTRESSES \$ 1,017.53

ONE THOUSAND SEVENTY AND 53/100 DOLLARS & CENTS

GLENS FALLS NATIONAL
BANK AND TRUST COMPANY
www.gfnational.com

For: 10 FISCAL

⑆010162⑆ ⑆021302554⑆ 1101292 2⑆

04/13/2016 10162 \$1,017.53

MOUNTAIN TIME AUCTIONS, ANTIQUES,
AND MATTRESSES
518 555-4795
105 MONTICLOM STREET
TICHOCHROGA, NY 12880

5 APRIL 2016

Pay To
The Order Of: NYSIF WORKER'S COMPENSATION \$ 300.70

THREE HUNDRED AND 70/100 DOLLARS & CENTS

GLENS FALLS NATIONAL
BANK AND TRUST COMPANY
www.gfnational.com

For: A 1351 95-4

⑆010163⑆ ⑆021302554⑆ 1101292 2⑆

04/11/2016 10163 \$300.70

NYSIF

LIBERTY & JUSTICE FOR ALL

MOUNTAIN TIME AUCTIONS, ANTIQUES,
AND MATTRESSES
518 555-4795
105 MONTICLOM STREET
TICHOCHROGA, NY 12880

4-19 to 16

Pay To
The Order Of: William Norton \$ 45.00

FORTY-FIVE AND 00/100 DOLLARS & CENTS

GLENS FALLS NATIONAL
BANK AND TRUST COMPANY
www.gfnational.com

For: 10164

⑆010164⑆ ⑆021302554⑆ 1101292 2⑆

04/19/2016 10164 \$45.00

UNCOMMON-VALOR

MOUNTAIN TIME AUCTIONS, ANTIQUES,
AND MATTRESSES
518 555-4795
105 MONTICLOM STREET
TICHOCHROGA, NY 12880

4-21 to 16

Pay To
The Order Of: WILLIAM NORTON \$ 55.00

FIFTY-FIVE AND 00/100 DOLLARS & CENTS

GLENS FALLS NATIONAL
BANK AND TRUST COMPANY
www.gfnational.com

For: 10166

⑆010166⑆ ⑆021302554⑆ 1101292 2⑆

04/22/2016 10166 \$55.00

PLAINTIFF'S EXHIBIT NO. NINECASE NO.: 8:18-CV-00394 (BKS/DJS)IDENTIFICATION: CHECK 10163 PAID

ADMITTED: _____

37

PLAINTIFF'S EXHIBIT NO.

TENCASE NO.: 8:18-cv-00394 (BICS/DJS)IDENTIFICATION: 220.46 PAYMENT

ADMITTED: _____



New York State Insurance Fund

EXHIBIT 7

WORKERS' COMPENSATION

1 WATERVLIET AVE EXT., ALBANY, NY, 12206-1649

Any questions, Call 1-888-875-5790

A 1351 815-4 [14376-01][WCBILLS_-MBIL1#][01-00114]

107334

RICHARD D HARKER DBA
MOUNTAIN TIME FURNITURE
105 MONTCALM STREET # 1B
TICONDEROGA NY 12883-1354

E STOCKTON MARTIN AGENCY INC
84 MONTCALM ST
TICONDEROGA NY 12883

Policy Number
A 1351 815-4

Group Number
90

Bill Number
51773676

Bill Date
05/10/2016

Minimum Amount Due

\$220.46

By 06/09/2016

Previous Balance	Payments Received	Other Credits	New Charges	Other Debits	Current Balance
\$110.23	\$0.00	\$0.00	\$110.23	\$0.00	\$220.46

Workers' Compensation Activity Period - 04/12/2016 to 05/10/2016

Transaction Date	Reference #	Payment/Credit Status	Charges	Credits
April 11, 2016		Previous Balance	\$110.23	
Payment of past due amount of \$110.23 must be received by 05/24/2016 to avoid cancellation.				
New Charges				
May 10, 2016	P985810	Installment 2 of 9 (04/10/2016)	\$100.23	
May 10, 2016	6425437	Service Charge	\$10.00	
>>>Your current Total Account Balance is \$922.10. Payment of this amount is required to avoid service charges and/or future interest charges. See reverse side (Page 2) for details.				

38

Glens Falls National

Bank and Trust Company

Member FDIC

250 Glen Street • Glens Falls, NY 12801
(518) 793-4121 • gfnational.com

2537

Page: 3 of 4
Account: 11012922
Date: 06/27/2016

PLAINTIFF'S EXHIBIT NO. ELEVEN
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: CHECK 10178 PAID
ADMITTED: _____

06/01/2016 170 \$25.00

10181

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-10 to 16

Pay To The Order Of RICK HARKER \$ 415.00

FOUR HUNDRED FIFTEEN 00 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For MA

06/13/2016 10181 \$415.00

10177

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

5-26 to 16

Pay To The Order Of NATIONAL GRID \$ 269.44

TWO HUNDRED SIXTY-NINE 44 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For A 8901-29101

06/01/2016 10177 \$269.44

10183

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-13 to 16

Pay To The Order Of BANBAK NORTON \$ 57.58

SIXTY-SEVEN 58 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For MA

06/14/2016 10183 \$57.58

10178

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

5-28 to 16

Pay To The Order Of NYSIF \$ 220.46

TWO HUNDRED TWENTY 46 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For A 1351 815-4

06/02/2016 10178 \$220.46

10184

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-13 to 16

Pay To The Order Of SYMBOL \$ 636.00

SIX HUNDRED THIRTY-SIX 00 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For RETURNED ONE TRUCK-1050

06/21/2016 10184 \$636.00

10179

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-1 to 16

Pay To The Order Of William Norton \$ 60.73

SIXTY 73 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For MA

06/03/2016 10179 \$60.73

10185

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-13 to 16

Pay To The Order Of William Norton \$ 152.18

ONE HUNDRED FIFTY-TWO 18 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For MA

06/14/2016 10185 \$152.18

10180

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-9 to 16

Pay To The Order Of William Norton \$ 130.92

ONE HUNDRED THIRTY 92 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For MA

06/16/2016 10180 \$130.92

10186

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES
518 555-8795
105 MONTICALLY STREET
TICHOGEROGA, NY 12883

6-14 to 16

Pay To The Order Of HEATHER FARRAR \$ 133.00

ONE HUNDRED THIRTY-THREE 00 DOLLARS & 100 CENTS

GLENS FALLS NATIONAL BANK AND TRUST COMPANY
www.gfnational.com

For MA

06/16/2016 10186 \$133.00

7015 0640 0002 2353 3784



New York State Insurance Fund

PAYROLL REPORT

ROBERT CRAIG CASSIDY, DBA

~~RICHARD D HARKER DBA~~

MOUNTAIN TIME FURNITURE AUCTIONS, ANTIQUES, AND MATTRESSES

105 MONTCALM STREET # 1B
TICONDEROGA NY 12883-1354PERIOD COVERED BY REPORT
04/10/2016 To 06/23/2016
Audit # 7244984Document #
F5K4Z7L1J9B6Date
07/08/2016Policy Number
A 1351815 - 4Group #
90

PLAINTIFF'S EXHIBIT NO.

TWELVE (1)

CASE NO.: 8:18-CV-00394 (BKS/DJS)

IDENTIFICATION: PAYROLL REPORT

ADMITTED:

*SEE BACK FOR INSTRUCTIONS

and easiest way to complete this report is to submit this report online, go to www.nysif.com, and click "Online Services", then "Submit Payroll Report".carriers to audit the payroll records of employers for the
ncy and in lieu of an actual audit at this time, it is necessary
s report is subject to verification by our auditors. The fastest
this report online, go to www.nysif.com, and click "Online

1. Nature of Business? RETAIL MATTRESS SALES + COLLECTIBLE SALES
2. Number of Locations? 1
3. Gross Annual Receipts or Revenue? 35,657.98
4. Federal Tax ID #? 47-5236656
5. Do You Employ Any Unpaid Relatives? Yes ☐ No ☒
6. Did your business have any Ownership, Entity, Address, Name, Owner/Partner/Exec Officer or Other Changes? Yes ☒ No ☐
If you answered "Yes" to questions 5 or 6, please list the specifics in the "Details" section on the back of this form.
7. Before proceeding further, please complete the Owners/Partners/Executive Officers section and read the instructions on the back of this form.
8. Please fill in below the total gross payroll of all employees, at all locations, for all insured entities for the period 04/10/2016 to 06/23/2016. The entire gross payroll of each worker should be included within the one classification code that best describes their work duties. Please see the back of this form to determine whether to include below the salaries of owners/partners/executive officers.

Code	Classification Description	Column A		Column B	
		#Employees	#Locations	Gross Payroll * (See Instructions on Back)	
8044	FURN STORE-WHS-RETAIL & DVRS-U	2 Part Time	1	1299.00	.00
					.00
					.00
					.00

Failure to provide all of the required information by 08/07/2016, will result in additional estimated earned premium being billed.

Certification: I (we) hereby certify that the above is a true and complete statement of the full amount of all salaries, wages, earnings, and job classification for regular time, overtime, vacation pay, bonuses, and allowances earned by all persons in my employ including all executive officers, relatives, casual and part-time employees. The Workers' Compensation Law provides that any person making a false statement or representation concerning a material fact or omits a material fact is guilty of a felony.

Name: ROBERT CRAIG CASSIDY Company Relationship: OWNERSignature: [Signature] Email: _____ Date: 7-19-2016

5/6 Details:

PLEASE NOTE DBA + FIRM NAME
CHANCES ON PAGE 1.

7. Insert below the names, titles, description of duties, % stock or ownership & payrolls of all owners/partners/officers. If the annual salary is less than \$35,100, use \$35,100, if the annual salary exceeds \$104,000, use \$104,000, or if it is in between \$35,100 & \$104,000, list the actual salary.

NAME	TITLE	DUTIES	% STOCK OR OWNERSHIP	GROSS PAYROLL

Instructions for codes based on payroll exposure

FOR CLASSIFICATION CODES 8044

Enter in "Column B" of the report the gross payroll before tax deductions for all employees, including relatives, for which this classification applies. Be sure to include payroll of all employees at all your locations. Payroll includes the full amount wages, including overtime at the regular rate of pay, the value of meals and lodging to the extent shown in your records, the rental value of an apartment or a house, commissions, bonuses, pay for holidays, vacations, or periods of sickness, and payments made by you which otherwise are required by law to be paid by your employees. Remuneration received by a sole proprietor or partner shall not be included for premium purposes unless coverage has been elected previously. Remuneration received by corporate officers shall be included for premium charges unless coverage has been previously excluded.

Do not include payroll for a sole proprietor or partner.

PLAINTIFF'S EXHIBIT NO. TWELVE (2)

CASE NO.: 8:18-CV-00394 (BKS/DJS)

IDENTIFICATION: PAYROLL REPORT

ADMITTED: _____

SIGN THE CERTIFICATION ON
THE FRONT PAGE AND MAIL
THIS REPORT TO THE ADDRESS
WHICH APPEARS TO THE RIGHT.

41
NYSIF DOCUMENT CONTROL CENTER
1 WATERVLIET AVENUE EXTENSION
ALBANY, NY 12206
USA

If you have any questions please contact your NYSIF underwriter: Kelsey Raga by email at kraga1@nysif.com.

PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

THE INFORMATION YOU PROVIDE IS PROTECTED BY THE PERSONAL PRIVACY PROTECTION LAW. THE AUTHORITY TO OBTAIN THE PERSONAL INFORMATION REQUESTED HEREIN IS FOUND IN SECTION 83 OF THE WORKERS' COMPENSATION LAW AS SUPPLEMENTED BY SECTIONS 450.1, 450.3 & 450.5 OF CHAPTERS VI OF TITLE 12(C) OF THE OFFICIAL COMPILATIONS OF CODES, RULES & REGULATIONS OF THE STATE OF NEW YORK. THE PRINCIPAL PURPOSE FOR WHICH THE INFORMATION IS SOUGHT IS TO ASSIST THE STATE INSURANCE FUND IN PROCESSING YOUR INSURANCE POLICY COVERAGE WITH THE STATE INSURANCE FUND & ITS RELEASE IS GOVERNED BY THE LIMITATIONS OF THE PERSONAL PRIVACY PROTECTION LAWS. THIS INFORMATION WILL BE MAINTAINED BY THE DIRECTOR OF UNDERWRITING, THE STATE INSURANCE FUND, 199 CHURCH STREET, NEW YORK, N.Y. 10007.

(997)11159690-1



STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
BUREAU OF COMPLIANCE
328 STATE STREET
SCHENECTADY, NY 12305
(866) 298-7830

THIS AGENCY EMPLOYS AND SERVES
PEOPLE WITH DISABILITIES WITHOUT
DISCRIMINATION.

ROBERT C CASSIDY
DBA MOUNTAIN TIME AUCTIONS ANTIQUES &
MATTRESSES
105 MONTCALM ST
TICONDEROGA NY 12883-1354

WCB EMPLOYER #: 2905274
UIER #: 52-35277
FEIN/SS #: 475236656
Penalty ID: 2016W0013351
Penalty Amount: \$12,000.00

NOTICE OF PENALTY PURSUANT TO SECTION 52(5) OF THE WORKERS' COMPENSATION LAW

DATE: 06/02/2016

Based on information available to the New York State Workers' Compensation Board regarding ROBERT C CASSIDY (employer), the Board has determined that:

- * Since 09/30/2015, the employer was required to provide workers' compensation insurance coverage for its employees.
- * The Board has no record of coverage for the period 09/30/2015 to the present.

Therefore, the Workers' Compensation Board has determined that the employer is in violation of Workers' Compensation Law Section 52(5) for the period 09/30/2015 to the present. A penalty has been assessed for each 10 day period of non-compliance.

As of the date of this notice, the penalty against the employer (and, if incorporated, its President, Secretary, and Treasurer) totals \$12,000.00. The Board strongly recommends that you request a review of this penalty if you were not required to have a policy. You should also request a review, to possibly reduce the penalty amount, even if you were required to have a policy. Please follow the directions contained in this notice to request a review. This penalty will continue to increase for every 10 days of non-compliance.

You will receive a periodic statement from the Board that details your penalty status until you secure coverage and pay all penalties in full or demonstrate that the employer was not required to have coverage.

(Continued on reverse)

PAYMENT INSTRUCTIONS

In order to insure prompt credit of your payment, complete the information below and return this portion with your payment to:

WORKERS' COMPENSATION BOARD
FINANCE OFFICE
328 STATE STREET
SCHENECTADY, NY 12305-2318

Please detach and return bottom portion with your payment.

MAKE CHECKS PAYABLE TO "UNINSURED EMPLOYERS FUND".
PLEASE INCLUDE YOUR WCB EMPLOYER NUMBER ON YOUR CHECK.

Employer	ROBERT C CASSIDY	WCB Employer #	2905274
		Penalty ID	2016W0013351
		Check Amount	

PLAINTIFF'S EXHIBIT NO. THIRTEEN

CASE NO.: 8:18-cv-00394 (BKS/DJS)

IDENTIFICATION: \$12,000 PENALTY

ADMITTED:

ROBERT CRAIG CASSIOI

1 JULY 2016

MOUNTAIN TIME AUCTIONS, ANTIQUES, AND MATTRESSES

105 MONTCALM STREET

TICONDEROGA, NEW YORK 12883

STATE OF NEW YORK

WORKERS' COMPENSATION BOARD

BUREAU OF COMPLIANCE

328 STATE STREET

SCHENECTADY, NY 12305

REFERENCE: \$12,000.00 PENALTY FOR ALLEGED
NON-COMPLIANCE

WE FORMALLY PROTEST AND APPEAL THE PENALTY
LEVIED WITHOUT EVIDENTIARY HEARING ON
THIS MATTER.

THIS BUSINESS HAS BEEN IN COMPLIANCE SINCE
APRIL 10, 2015, AS THE ATTACHED "EXHIBIT ONE"
SHOWS.

PREMIUMS HAVE BEEN PAID AND NO LESS THAN
THREE U-3 FORMS HAVE BEEN FILED
SINCE SEPTEMBER 2015.

PLAINTIFF'S EXHIBIT NO. FOURTEEN
CASE NO.: 8:18-CV-00394 (BKS/DJS)
IDENTIFICATION: APPEAL 1
ADMITTED:

43

APPARENTLY A "MR. DION" TERRIFIED DARLENE DORSETT OF THE L. STOCKTON MARTIN AGENCY ON FEBRUARY 11, 2016, AS SHE WROTE ME OF THE TELEPHONE CALL (EXHIBIT 2). "MR. DION" COULD NOT BE BOTHERED TO TELEPHONE ME AT MOUNTAIN TIME'S LISTED TELEPHONE NUMBER, 518 585-6795.

I PROMPTLY FILLED OUT MY THIRD FORM 4-3 AND SENT IT OFF TO MR. RICHARD HARKER IN THE STATE OF COLORADO.

THE NEW YORK STATE INSURANCE FUND (HEREINAFTER "NYSIF") FAILED AND NEGLECTED TO PROCESS THE CHANGE OF ADDRESS ON POLICY A 1351815-4 ON THE MARCH 10, 2016 BILL WHICH I PERSONALLY PAID APRIL 5, 2016, ON CHECK NUMBER 10163.

I MARKED THE REMITTANCE COUPON CHANGE OF ADDRESS BOX WITH AN "X" (EXHIBIT 5).

I FURTHER FILLED OUT THE CHANGE INFORMATION (EXHIBIT 6) ON THE COUPON BACK.

PLAINTIFF'S EXHIBIT NO. FIFTEEN
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: APPEAL 2
ADMITTED:

44
30

ONCE AGAIN ON THE MAY 10, 2016, BILLING
(EXHIBIT 7) NYSIF FAILED AND
NEGLECTED TO CHANGE THE ADDRESS,
NOR DID NYSIF NOTIFY ME
WHY IT DID NOT DO SO,
THE \$220.46 AMOUNT DUE WAS PAID
BY ME ON CHECK NUMBER 10178 ON
MAY 28, 2016.

IN SEPTEMBER 2015 AND DECEMBER 2015
I SUBMITTED FORMS U-3 TO THE
BOARD. AS THESE WERE NOT
RETURNED TO ME BY THE U.S. POSTAL
SERVICE, I HAVE TO PRESUME
NYSIF RECEIVED THEM AND IGNORED
THEM.

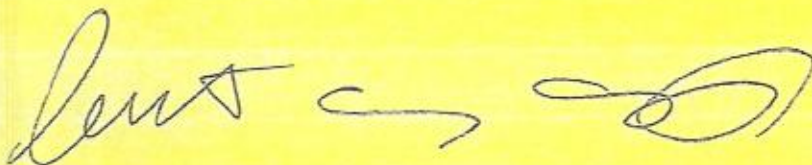
8:18-CV-00394 (BJS/DJS)
APPEAL 3
EXHIBIT SIXTEEN

DURING LATE AUGUST I CHOSE TO
PURCHASE THIS BUSINESS ON MONTCAH
STREET (A SEVERELY ECONOMICALLY CHALLENGED
STREET) IN TICONDEROGA (AN
ECONOMICALLY CHALLENGED TOWN) AND
ESSEX COUNTY (AN ECONOMICALLY CHALLENGED
COUNTY). I HAVE INVESTED \$85,000.00
AND LOST BETWEEN \$10,000 AND \$20,000
OF MY OWN CAPITAL TRYING VERY
HARD TO MAKE TICONDEROGA A
BETTER AND STRONGER TOWN.
A \$12,000 PENALTY WILL BE FATAL

TO THOSE EFFORTS. BY THE WAY,
ALL SALES TAX AND PAYROLL TAX
DEPOSITS TO NEW YORK STATE HAVE
BEEN PAID.

PERHAPS YOU COULD BE KIND ENOUGH
TO TELL A SEVENTY-THREE YEAR
OLD U.S. ARMY VETERAN WHAT
CRIME I HAVE COMMITTED TO EARN
A \$ 12,000 PENALTY?

I STRONGLY URGE THE BOARD TO
RESCIND THE PENALTY IN TOTAL
AS I HAVE CARRIED WORKMAN'S COMPENSATION
INSURANCE IN FORCE THE ENTIRE
TIME I HAVE MANAGED THIS BUSINESS
AND I HAVE MADE SEVERAL GOOD
FAITH EFFORTS TO CHANGE THE NYDIF
TO CHANGE THE BUSINESS ADDRESS,



ROBERT CRAIG CASSIOY

PLAINTIFF'S EXHIBIT NO. SEVENTEEN
CASE NO.: 8:18-CV-00394 (BKS/DJS)
IDENTIFICATION: APPEAL 4
ADMITTED.

46



**Workers'
Compensation
Board**

ANDREW M. CUOMO
Governor

KENNETH J MUNNELLY
Chair

WORKERS COMPENSATION

October 07th, 2016

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA NY 12883-1354

Emp#: 2905274
Period of Non-compliance: 09/30/15 to Date
Penalty Amount: \$18,000.00
Penalty Order #: 2016W0013351
FMIS#: 1846275

Dear Sir or Madam:

Your correspondence regarding the above cited penalty for failure of an employer to provide Workers Compensation coverage as required by Workers Compensation Law has been received for review by the Penalty Review Unit. After a review of the submitted material, the Board has determined that you are subject to the coverage requirements of the WCL. However, the Board is unable to consider your request for re-determination for the following reason:

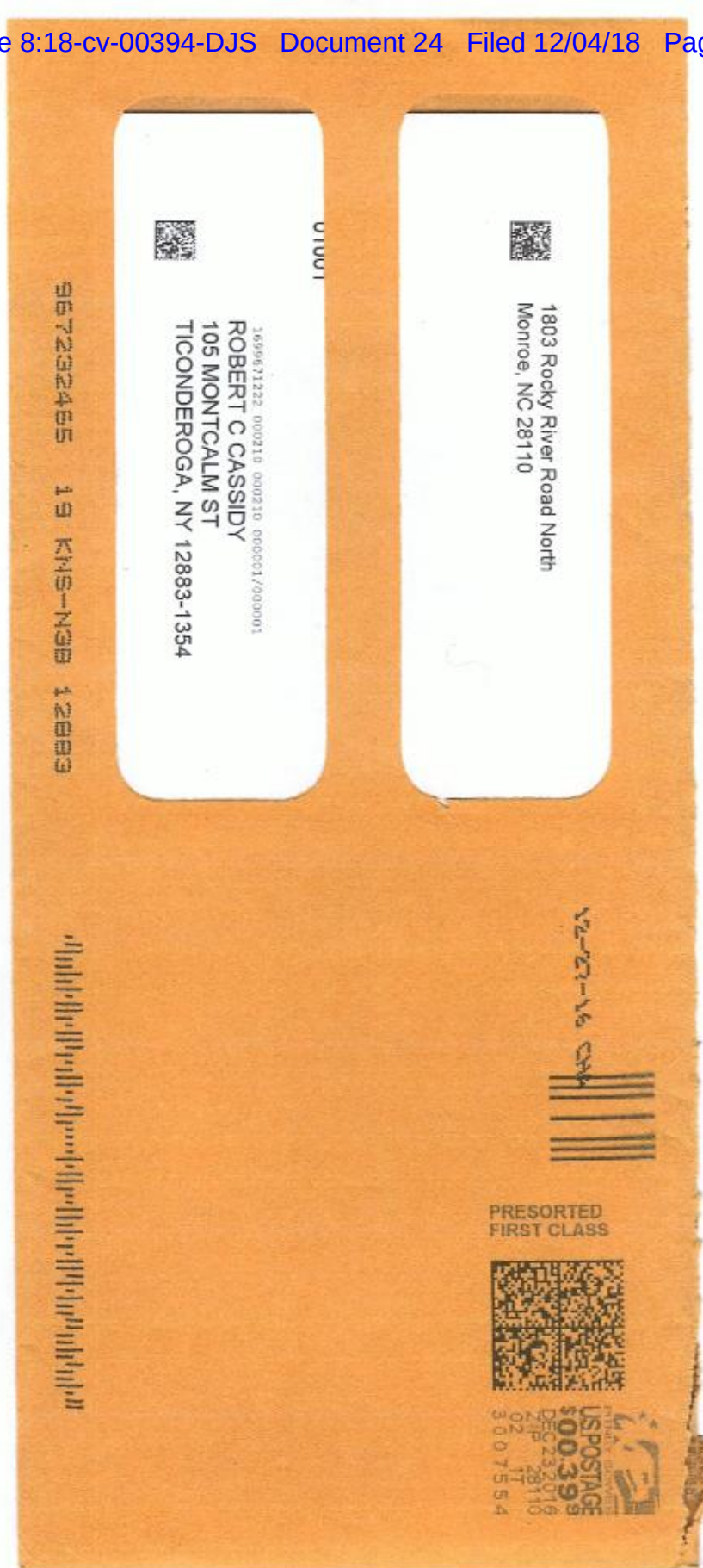
The employer is currently not in compliance with the requirements for coverage under the Workers Compensation Law for the above period. **No proof of coverage has been received from your insurance company. Your policy with State Insurance Fund is still under your old Federal ID#.**

Please be advised that if you are subject to the Workers Compensation Law and have not obtained Workers Compensation coverage, penalties will be issued for all periods in which coverage was not in effect.

Please advise **your NYS Workers' Compensation Insurance carrier. THE STATE INSURANCE FUND** to submit your coverage information **electronically**. This carrier should report this policy using your **correct** Federal ID# **475233656**.

Penalty Review Unit (NEG)

PLAINTIFF'S EXHIBIT NO. EIGHTEEN
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: 10/7/2016 REJECTION
ADMITTED:



PLAINTIFF'S EXHIBIT NO. NINETEEN

CASE NO.: 8:18-CV-00394 (BKS/DJS)

IDENTIFICATION: PIONEER POSTMARK

ADMITTED: 12-23-2016

(48)

G-5 Bulk (7-96)

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

RECEIVED 12003



Return Service Requested
Bureau of Compliance
328 State St
Schenectady, NY 12305-2318



1st class
018413502068
ZIP 12204
US FIRST-CLASS MAIL
\$00.37
12/23/2016

(49)
~~85~~

PLAINTIFF'S EXHIBIT NO. TWENTY
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: NY Board POSTMARK

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

PLAINTIFF'S EXHIBIT NO. TWENTY-ONE
CASE NO.: 8:18-CV-00394 (BKS/DJS)
IDENTIFICATION: NYBOARD 12/21/2016
ADMITTED: _____

NEW YORK STATE WORKERS' COMPENSATION BOARD
BUREAU OF COMPLIANCE

Please Note:

This statement represents penalties and assessments related to workers' compensation insurance. You may receive a separate statement if you owe penalties and assessments related to disability benefits insurance.

Past due accounts are subject to referral to collection agencies (along with a 22 percent collection fee) and the filing of a judgement. Recent activity may not appear on this statement. Such activity will appear on future statements.

If you have an approved payment plan covering one or more of the sections on the attached billing statement, and are paid up to date, please continue to pay the monthly amount due on the payment plan rather than the total due. If there are any penalties or claims listed that are not included in your payment plan, please contact the Bureau of Compliance at (866) 298-7830.

- **MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO: Uninsured Employer's Fund.**
- **MAKE SURE YOUR FMIS ACCOUNT NUMBER, 1846275, IS ON YOUR CHECK OR MONEY ORDER.**
- **MAKE SURE YOU SIGN YOUR CHECK.**
- **The Finance Office Address listed at the bottom of this page is for payment only.**
- **Any correspondence should be mailed to:**

NYS WORKERS' COMPENSATION BOARD
FINANCE OFFICE, ASSESSMENT UNIT
328 STATE ST, RM 331
SCHENECTADY, NY 12305

IN ORDER TO ASSURE PROMPT CREDIT SEND YOUR
PAYMENT ALONG WITH THIS PORTION OF THE FORM

NYS WORKERS' COMPENSATION BOARD
FINANCE OFFICE, ASSESSMENT UNIT
328 STATE ST, RM 331
SCHENECTADY, NY 12305

MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO:
Uninsured Employers Fund. PLEASE INCLUDE YOUR FMIS
ACCOUNT NUMBER 1846275 ON YOUR CHECK. ITEMS ON
THIS STATEMENT ARE PAYABLE UPON RECEIPT.

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

STATEMENT DATE: December 21, 2016
WCB EMPLOYER NUMBER: 2905274
FMIS ACCOUNT NUMBER: 1846275

Total Due: \$22,000.00

Total Enclosed: \$

Payment Address:
Pioneer Credit Recovery, Inc.
P.O. Box 345
Arcade, NY 14009



26 EDWARD STREET, ARCADE, NY 14009
Phone: 1-844-476-0556
Fax: 1-877-653-2839

Hours of Operation: EST/EDT
Mon-Thursday 8:00A.M. - 9:00P.M.
Friday 8:00A.M. - 5:00P.M.
Saturday 8:00A.M. - 12:00P.M.

Correspondence Address:
Pioneer Credit Recovery, Inc.
P.O. Box 308
Perry, NY 14530

Pay online: <http://myac>

12/21/2016

RE: New York State Workers' Compensation Board
Account Number: 13029657
WCB Employer Number: 2905274
Balance Due: \$22,000.00

Dear ROBERT C CASSIDY:

PLAINTIFF'S EXHIBIT NO. TWENTY-TWO
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: Pioneer 12/21/2016
ADMITTED: _____

The New York State Workers' Compensation Board referred your account to our agency for collection. Your delinquent fines and fees totaling \$22,000.00 are due in full. Please send payment to Pioneer Credit Recovery, Inc., along with the attached payment coupon, or you may pay via telephone, toll free at 1-844-476-0556.

Failure to resolve your debt may result in the filing and execution of a judgment against you and/or your business as allowed under the Workers' Compensation Law and New York Civil Practice Law and Rules enforceable by The New York State Workers' Compensation Board. A judgment against you and/or your business is a matter of public record. Please take this opportunity to resolve your account voluntarily.

The Workers' Compensation Board has also informed us that you are subject to the following:

- 1) A 22% debt collection fee on the unpaid balance forwarded by the Board to Commercial Collection Agencies under New York State Finance Law Section 18.
- 2) Interest on past due non-tax debt at a rate equal to the corporate underpayment rate set by the Department of Taxation and Finance.
- 3) Interest will accrue at the legal rate of 9% on all claims for which the Board files judgment. The Board may file and execute a judgment without further notice to the employer as allowed under the Workers' Compensation Law and New York Civil Practice Law and Rules.

The Workers' Compensation Board has also determined that you are required to procure and maintain mandatory workers compensation and disability benefits insurance. If you believe that you are entitled to a rescission of the penalties assessed because you were exempt from maintaining insurance, you must forward evidence to us.

PLEASE SEE NEXT PAGE FOR IMPORTANT INFORMATION.

~~PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU!~~

Please see next page if you would like to pay by credit card or pay online <http://myaccount.pioneercreditrecovery.com>



1803 Rocky River Road North
Monroe, NC 28110

Borrower: ROBERT C CASSIDY
Account Number: 13029657
Total Current Balance: \$22,000.00

Please call us if you have a new address or telephone number.

01001

Pioneer Credit Recovery, Inc.
P.O. Box 345
Arcade, NY 14009

51



1699671222 000210 000210 000001/000001

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354



CASE NO.: 8:18-cv-00394 (BKS/DJS)

IDENTIFICATION: PLAYERS IN THE SYSTEM (1)

ADMITTED:

Employers / Businesses

(/content/main/Employers/Employers.jsp)

Workers' Compensation Coverage

The Players in the System - Who Does What



- New York State Workers' Compensation Board
- New York State Insurance Department
- Compensation Insurance Rating Board (CIRB (Compensation Insurance Rating Board))
- Insurers
- New York State Department of Labor

To understand the workers compensation system, an employer or employee must first understand all the parties that are responsible for the process.

New York State Workers' Compensation Board

The first major player, the Workers' Compensation Board (Board), was established to administer the New York State Workers' Compensation Law (WCL (Workers' Compensation Law)). It is responsible for the adjudication of claims and ensuring that employers provide the required coverage to their employees. The mission statement of the agency reads,

The mission of the Workers' Compensation Board is to equitably and fairly administer the provisions of the New York State Workers' Compensation Law, including Workers' Compensation Benefits, Disability Benefits, Volunteer Firefighters' Benefits, Volunteer Ambulance Workers' Benefits § Volunteer Civil Defense Workers' Benefits Law on behalf of our customers, New York's injured workers and their employers.

The Board administers the programs and laws of New York State in a fair and equitable fashion. The Board receives and processes claims and initially seeks to facilitate expedient agreements between injured workers and employers. When a consensus cannot be reached through administrative measures, it becomes necessary for the Board to conduct hearings before a Workers' Compensation Law Judge (Judge). Evidence and testimony are gathered and analyzed prior to the rendering of a decision by the Judge. While the decisions by Judges are binding, parties may seek administrative review of the Judge's decision to the Administrative Review Division. In such a case, a panel of three Board Commissioners will rule on the validity of the Judge's decision. Failing a unanimous decision by the panel, a mandatory full Board review by all thirteen Commissioners may be requested within 30 days of the filing date of the Board panel's decision. In addition, when the decision of the panel is unanimous, a party may seek discretionary full Board review. When a party files a discretionary full Board application, the Board has the option to grant or deny full Board review. The decision of the full Board may be further appealed to the State Appellate Division, Third Department (WCL §23).

CIRB also develops experience modification factors for employers with premiums in excess of \$5,000; and establishes standards for the underwriting of workers' comp.

For more information, call 3535 or at www.cirb.org

PLAINTIFF'S EXHIBIT NO. TWENTY-THREE(2)
 CASE NO.: 8:18-CV-00394 (BKS/DJS)
 IDENTIFICATION: PLAYERS IN THE SYSTEM (2)
 ADMITTED: _____

CIRB) at 212-697-

Insurers

Insurers are the fourth major player in the workers' compensation system and are comprised of private insurance carriers, the State Insurance Fund, self-insured employers and employers that are participating in group self-insurance.

Private Insurance Carriers

Private insurance carriers collect premiums from employers to pay for the claims and related medical expenses of employees who are injured on the job. Over 200 private insurance carriers are currently authorized by the Insurance Department to provide workers' compensation insurance to employers.

State Insurance Fund

The State Insurance Fund (SIF) is a not-for-profit agency of the State of New York that was established pursuant to the WCL in 1914 to provide a guaranteed source of workers' compensation insurance coverage at the lowest possible cost to employers within New York State (WCL §76 - 100). Despite its State agency status, SIF is a self-supporting insurance carrier that competes with private insurers. Just like any insurance carrier, SIF collects premiums from employers to pay for the claims and related medical expenses of employees who are injured on the job. The premiums are required by law to be fixed at the lowest possible rates. SIF must provide insurance to any employer seeking coverage, regardless of the employer's type of business, safety record or size. However, if an employer owes SIF money from a previous bill or account, SIF may deny coverage.

SIF is a totally separate and distinct entity from the NYS Workers' Compensation Board.

Self-Insurers

An employer qualifies as a self-insurer by furnishing to the Chair of the Board satisfactory proof of its financial ability to pay compensation. Employers who wish to self-insure may do so in one of two ways:

1. by becoming an individual self-insurer or
2. by becoming a member of a self-insured group.

Individual self-insurance is primarily used by larger employers who can meet the significant financial standards to self-insure in their own right. Every individual self-insurer must post with the Board a security deposit equal to their outstanding indemnity and medical obligations. These deposits can take the form of a surety bond, letter of credit, cash and/or certain types of securities. The amounts posted are updated every year. In the event that the employer defaults on its obligations the deposit will be used by the Board to ensure claimants receive the benefits to which they are entitled.

PLAINTIFF'S EXHIBIT NO. TWENTY-FOUR
CASE NO.: 8:18-CV-00394 (BKS/DJS)
IDENTIFICATION: \$ 22,500 PENALTY (1)
ADMITTED: _____

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

**NEW YORK STATE WORKERS' COMPENSATION BOARD
BUREAU OF COMPLIANCE**

Please Note:

This statement represents penalties and assessments related to workers' compensation insurance. You may receive a separate statement if you owe penalties and assessments related to disability benefits insurance.

Past due accounts are subject to referral to collection agencies (along with a 22 percent collection fee) and the filing of a judgement. Recent activity may not appear on this statement. Such activity will appear on future statements.

If you have an approved payment plan covering one or more of the sections on the attached billing statement, and are paid up to date, please continue to pay the monthly amount due on the payment plan rather than the total due. If there are any penalties or claims listed that are not included in your payment plan, please contact the Bureau of Compliance at (866) 298-7830.

- **MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO: Uninsured Employer's Fund.**
- **MAKE SURE YOUR FMIS ACCOUNT NUMBER, 1846275, IS ON YOUR CHECK OR MONEY ORDER.**
- **MAKE SURE YOU SIGN YOUR CHECK.**
- **The Finance Office Address listed at the bottom of this page is for payment only.**
- **Any correspondence should be mailed to:**

NYS WORKERS' COMPENSATION BOARD
FINANCE OFFICE, ASSESSMENT UNIT
328 STATE ST, RM 331
SCHENECTADY, NY 12305

IN ORDER TO ASSURE PROMPT CREDIT SEND YOUR
PAYMENT ALONG WITH THIS PORTION OF THE FORM

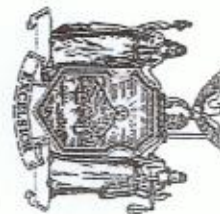
NYS WORKERS' COMPENSATION BOARD
FINANCE OFFICE, ASSESSMENT UNIT
328 STATE ST, RM 331
SCHENECTADY, NY 12305

MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO:
Uninsured Employers Fund. PLEASE INCLUDE YOUR FMIS
ACCOUNT NUMBER 1846275 ON YOUR CHECK. ITEMS ON
THIS STATEMENT ARE PAYABLE UPON RECEIPT.

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

STATEMENT DATE: February 14, 2018
WCB EMPLOYER NUMBER: 2905274
FMIS ACCOUNT NUMBER: 1846275
Total Due: \$22,500.00

Total Enclosed: \$



NEW YORK STATE WORKERS' COMPENSATION BOARD
BUREAU OF COMPLIANCE

BILLING STATEMENT FOR: **ROBERT C CASSIDY**

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

TICONDEROGA, NY 12883-1354

WCB EMPLOYER NUMBER: 2905274
FMS Account Number: 1846275
Statement Date: February 14, 2018
Statement Group: 15

SECTION A.

This section lists all outstanding penalties issued against you for non-compliance with the Workers' Compensation Law. Violation found under Section 52(5)

Penalty Order #	Description	Penalty Period	Opening Balance	New Charges	Adjustments	Payments Received	Closing Balance
2016W0013351	Penalty for not having Workers' Compensation Insurance	09/30/2015 - 12/31/2016	22,500.00	0.00	0.00	0.00	22,500.00

SUMMARY SECTION

Summary Total of Activity	Opening Balance	New Charges	Adjustments	Payments Received	Total Due
	22,500.00	0.00	0.00	0.00	22,500.00

* The Total Due in Summary Section includes \$22,500.00 not due in judgments obtained in New York State Supreme Court

PLAINTIFF'S EXHIBIT NO. TWENTY-FOUR
CASE NO.: 8:18-cv-00394 (BKS/DJS)
IDENTIFICATION: \$22,500 PENALTY (2)
ADMITTED: _____



NEW YORK STATE WORKERS' COMPENSATION BOARD
BUREAU OF COMPLIANCE

BILLING STATEMENT FOR: ROBERT C CASSIDY

ROBERT C CASSIDY
105 MONTCALM ST
TICONDEROGA, NY 12883-1354

WCB EMPLOYER NUMBER: 2905274
FMIS Account Number: 1846275
Statement Date: February 14, 2018
Statement Group: 15

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SUMMARY SECTION

Summary Total of Activity	Opening Balance	New Charges	Adjustments	Payments Received	Total Due
	22,500.00	0.00	0.00	0.00	22,500.00

* The Total Due in Summary Section includes \$22,500.00 not due in judgments obtained in New York State Supreme Court



PLAINTIFF'S EXHIBIT NO. TWENTY-FIVE
CASE NO.: 8:18-CV-00394 (BKS/DJS)
IDENTIFICATION: NYS JUDGE-MET
ADMITTED: _____

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Rutland Regional Medical Center

Patient Summary

Name: CASSIDY, ROBERT C

Current Date: 03/06/17 17:20:46

MRN: 29642

FIN:

Chief Complaint: Dizziness; Fall; Dizziness; DIZZINESS

Visit Date: 3/06/2017 1:43 PM America/New_York

Address: 43 PLEASANT ST RUTLAND VT 057015009

Phone: (802) 417-7601

Primary Care Provider:

Name: MARK MESSIER, MD

Phone: (802) 773-3386

Emergency Department Care Provider:

Rutland Regional Medical Center would like to thank you for allowing us to assist you with your healthcare needs. The following includes patient education materials and information regarding your injury/illness.

Please return to the Emergency Department immediately if your symptoms worsen.

Please call to schedule any appointments listed below within the next 24-48 hours

Follow-up Instructions

CASSIDY, ROBERT C has been given these follow-up instructions:

With:

Address:

When:

* MARK MESSIER

RUTLAND COMMUNITY HEALTH
CENTER, 215 STRATTON ROAD
RUTLAND, VT 05701
(802) 773-3386 Business (1)

Within 2 to 4 days

Comments:

Return to ED if symptoms worsen

Bring current med list to next visit

Call for followup appointment and check on last tetanus

OK to take tylenol

(57)

CASSIDY, ROBERT C
Date of Birth 01/08/43
MRN 29642

1 of 7
FIN 7673188

PLAINTIFF'S EXHIBIT NO.

TWENTY-SIX

CASE NO.: 8:18-cv-00394 (BKS / DJS)

IDENTIFICATION:

ADMITTED:

CASSIDY HEAD WOUND